

SHB 1245 - H AMD 138

By Representative Smith

NOT CONSIDERED

1 On page 33, beginning on line 1, after "(2)" strike all material
2 through "RCW 79.100.010." on line 5 insert "(a) The department may,
3 after satisfying the provisions of (b) of this subsection relating to
4 administrative search warrants, board any vessel, at any reasonable
5 time, that meets the definition of "abandoned vessel" or "derelict
6 vessel" as provided in RCW 79.100.010, for the purposes of mitigating
7 a potential threat to health, safety, or the environment, or for
8 identifying ownership of the vessel.

9 (b) The department must, prior to boarding any vessel under the
10 authority provided in this subsection, apply for an administrative
11 search warrant in either the Thurston county superior court or the
12 superior court in the county where the vessel is located, unless a
13 warrant is not required. The court may issue an administrative search
14 warrant where the court has reasonable cause to believe it is
15 necessary to achieve the purposes in this subsection."

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EFFECT: Alters the authority for the Department of Ecology to board an abandoned or derelict vessel for the purposes of assessing and mitigating risk and identifying ownership to specify that a warrant must be obtained, when required, from either the Thurston County Superior Court or the superior court in the county where the vessel is located. Requires a court to find reasonable cause before issuing a warrant.

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